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Attorney for Debtor
ALFONSO MERCADO AND
CLAUDIA GUERRA MERCADO

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

IN RE:

ALFONSO MERCADO AND
CLAUDIA GUERRA MERCADO,

DEBTOR

Case No.: 2010-54073

Docket Control No.: KH-1

Date: February 22, 2011

Time: 10:00 AM

Department: A

The Honorable Michael S. McManus

Courtroom: 28

MOTION FOR ORDER COMPELLING ABANDONMENT OF THE

ESTATE'S INTEREST IN DEBTOR'S BUSINESS

Attorney Kristy A. Hernandez, on behalf of the Debtor herein, hereby moves this Court for an Order Compelling Abandonment of the Estate's interest in the Debtor's Business. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on December 30, 2010. Geoffrey Richards was duly appointed to serve as Trustee.

1 2. As shown in the filed schedules of this case, the Debtor operates a tree trimming
2 business. Said business is located at 9552 River Rose, Sacramento, CA 95827. The Debtor's
3 tools of the trade and other business-related assets, if any, have been disclosed in the filed
4 Schedule B and there does not appear to be any business equipment or inventory that can be
5 profitably liquidated by the Trustee over and above (a) the liens, if any, in Schedule D attaching
6 to the business-related assets and (b) the exemptions, if any, in Schedule C claimed by the
7 Debtor. The schedules, as filed with the Court, are incorporated herein by reference.

9 3. The Debtor is aware that, under the provisions of Title 11, US Codes §721, the Trustee
10 has the authority to operate the Debtor's business; and then, only with an order of the Court.
11 Otherwise, the Trustee is obliged to shut down the business or abandon the estate's interest in the
12 business.

14 4. However, the Debtor asserts that, based on the lack of any unexempt equity in any
15 business-related asset, equipment or inventory, there is no benefit to the estate to either operating
16 OR shutting down this business.

18 5. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the
19 Debtor, to file a motion seeking to compel the Trustee to abandon property of the estate.
20 Wherefore, the Debtor moves this Court to issue an Order Compelling the Trustee to Abandon
21 the Estate's Interest in the Debtor's Business.

24 CERTIFICATION

25 I, Kristy A. Hernandez, hereby certify under penalty of perjury that I have read the foregoing
26 Motion for Order Compelling Abandonment Of The Estate's Interest In Debtor's Business. I
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1 further certify that the contents thereof are true and correct to the best of my knowledge and
2 belief. Executed on January 12, 2011 at Orangevale, California.

3 /s/ Kristy A. Hernandez

4 Kristy A. Hernandez

5 Law office of Kristy Hernandez
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